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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER NUMBER
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*Handwritten number 7*

**DATE MAILED:**

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/281,990

Applicant(s)

ELLING ET AL.

Examiner

Monika B. Shienberg

Art Unit

1631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claims 1-68 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 1999 is/are objected to by the Examiner. (See PTO-948)
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_

\* See the attached detailed Office action for a list of the certified copies.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s):

15. ☐ Notice of References Cited (PTO 800)
16. ☐ Notice of Draftsperson's Patent Drafting Fee, Rev. 1/94 (PTO 804)
17. ☐ Information Disclosure Statement(s) (PTO 144) (Paper No. \_\_\_\_)
18. ☐ Notice of Informal Patent Application (PTO 101)
19. ☐ Other: \_\_\_\_

***Election/Restrictions***

Restriction to one of the following inventions is required under 35 USC § 121:

- I. Claims 1-20, drawn to mechanism models, classified in class 702, subclass 27.
- II. Claim 21, drawn to determining a response of a test data object, classified in class 702, subclass 22.
- III. Claims 22-38, 63-66, and 68, drawn to the production of pharmacophore clusters, classified in class 702, subclass 30.
- IV. Claims 39-62, and 67, drawn to the production of pharmacophore of a specific chemical structure with a specified activity, classified in class 702, subclass 30.

The inventions are distinct, each from the other because of the following reasons:

Each of the groups I-IV, are distinct inventions because they have different modes of operation, different functions, or different effects. Group I is drawn to mechanism models and group II is drawn to determining a response of a test data object. Although groups III and IV are drawn to the production of pharmacophores, group III is drawn to the production of pharmacophore clusters, and Group IV is drawn to the production of a pharmacophore of a specific chemical structure with a specified activity. Each group is dependent upon different technical features to be carried out by one of ordinary skill in the art.

Because these inventions are distinct for the reasons given above and have acquired a

distinctive character, it is held that the inventions are distinct. It is required that the restriction be

made in accordance with the following:

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the

Applicant will be required to file a petition under 37 CFR § 1.48(b) and/or more of the

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currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR § 1.48(b) and by the fee required under 37 CFR § 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monika B. Sheinberg, whose telephone number is (703) 305-1696. The examiner can normally be reached on Monday-Friday from 8 A.M. to 4 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward, Ph.D., can be reached on (703) 308-4028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Patent Analyst, Tina Plunkett, whose telephone number is (703) 305-3524, or to the Technical Center receptionist whose telephone number is (703) 308-0196. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-4242 or (703) 305-3014.

March 20, 2001

Monika B. Sheinberg

*MBS*

*Ardin H. Marschel*  
ARDIN H. MARSCHEL  
PRIMARY EXAMINER